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Did CIA violate U.S. criminal law?

Task ahead: sorting Rockefeller

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The Justice Department faces a difficult task in determining which, if any, of the CIA domestic activities found by the Rockefeller Commission to violate the agency's charter also break U.S. criminal laws.

Most legal observers conclude that activities related to infiltrating dissident domestic groups and gathering and disseminating information on individual dissenters violate no existing criminal statutes.

But intercepting and opening U.S. mail does.

Observers also note that while certain isolated acts, including wiretapping, the administration of LSD to unsuspecting recipients, and the physical abuse of foreign defectors, may technically violate criminal statutes, such violations are rarely prosecuted by federal authorities if performed by government agents acting under the orders of their superiors.

An equally difficult task may confront the courts should members of organizations subject to CIA interference seek civil redress. In the 1972 case of *Tatum v. Laird*, a war dissenter attending rallies subject to Pentagon surveillance could not obtain relief from the U.S. Supreme Court.

But it has also been held that one who suffers damages through illegal government activity is entitled to sue for compensation. And federal laws provide that victims of illegal wiretaps are entitled to compensation at the rate of \$100 for each day their privacy was invaded.

In the two principal domestic areas in which the Rockefeller Commission determined that the agency had violated its charter — inspecting mail and gathering domestic intelligence — the report provides clear evidence that top agency officials knew they were operating outside the law.

On mail destined for the Soviet Union, the report indicates that beginning in 1952 the CIA secured Post Office Department approval only to examine envelopes addressed to the Soviet Union for the purpose of "securing of names

and addresses for investigation and possible further contact."

The operation quickly ripened into one involving monitoring of the contents of first-class mail. The commission report quotes from a 1955 CIA memorandum acknowledging that "there is no overt, authorized, or legal censorship or monitoring of first-class mails which enter, depart or transit the United States at the present time," and that discovery of the operation would cause "serious public

reaction in the United States, perhaps leading to a congressional inquiry."

A second agency memo, written in 1960 noted the "flap potential" of the operation and suggested preparation of an "emergency plan" and "cover story." A third memorandum, written in 1962, conceded that discovery of the operation could "give rise to grave charges of criminal misuse of the mail by government agencies."

The commission report concludes that the

operation, involving inspection of as many as 18,000 letters a year, was kept secret from a succession of presidents, attorneys general, and postmasters general until 1971 when it was approved by both Attorney General John N. Mitchell and Postmaster General Winton M. Blount. The project was halted in February, 1973, according to the commission report.

The second area where the commission report indicates that the CIA may knowingly have violated its charter involved an intelligence-gathering operation on domestic dissidents known as "Operation CHAOS." The commission report states that the operation grew out of pressure of both the Johnson and Nixon administrations on the CIA to determine whether any link existed between U.S. antiwar activity and Communist governments abroad.

A succession of agency studies reported no such link.

panel's findings

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